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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

PETRA HORTA DE BECERRA,

Plaintiff,

vs.

MARTIN O'MALLEY  
Commissioner of Social Security,

Defendant

No. No. 2:22-cv-1591 DB

**STIPULATION AND PROPOSED ORDER  
FOR THE AWARD OF ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS  
TO JUSTICE ACT, 28 U.S.C. § 2412(d),  
AND COSTS PURSUANT TO 28 U.S.C. §  
1920**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of SIX THOUSAND TWO HUNDRED THIRTY-EIGHT DOLLARS AND EIGHT CENTS (\$6,238.08) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and FOUR-HUNDRED TWO dollars (\$402.00) in costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S. Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will determine whether they are subject to any offset. Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

Respectfully submitted,

Dated: May 24, 2024

/s/ Shellie Lott

SHELLIE LOTT  
Attorney for Plaintiff

PHILLIP A. TALBERT  
Acting United States Attorney  
PETER K. THOMPSON  
Acting Regional Chief Counsel, Region IX

Dated: May 24, 2024

/s/

(As authorized via email May 20, 2024)  
SATHYA OUM  
Special Assistant United States Attorney

**ORDER**

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that fees and expenses, in the amount SIX THOUSAND TWO HUNDRED THIRTY-EIGHT DOLLARS AND EIGHT CENTS (\$6,238.08) as authorized by 28 U.S.C. § 2412, and costs in the amount FOUR-HUNDRED TWO dollars (\$402.00) as authorized by 28 U.S.C. § 1920, are awarded to Plaintiff, subject to the terms of the stipulation.

IT IS SO ORDERED.

DATED: May 24, 2024

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE